

William R. Davis, Haynesville, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 26, 1922, from the State of Virginia into the State of Maryland, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 360 eggs from the consignment showed that 32, or 8.88 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 2, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11746. Adulteration and misbranding of olive oil and misbranding of cottonseed oil. U. S. v. Christ Makris (Messina Importing Co.). Plea of guilty. Fine, \$170.** (F. & D. No. 17246. I. S. Nos. 17021-t, 17022-t, 17030-t, 17031-t, 17034-t, 18425-t.)

On May 28, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Christ Makris, trading as the Messina Importing Co., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 9, March 7, 9, and 17, 1922, respectively, from the State of New York into the District of Columbia, and on or about June 13, 1922, from the State of New York into the State of Missouri, of quantities of olive oil which was adulterated and misbranded, and on or about February 9, 1922, from the State of New York into the District of Columbia, of a quantity of cottonseed salad oil which was misbranded. The consignments of February 9, March 9, and March 17 were made by the defendant under the name of D. Lamp. The consignment of March 7 was contained in unlabeled cans and was invoiced as olive oil. The remaining consignments were labeled variously: "Prodotti Italiani Olio d'Olive Pure Olive Oil Sopraffino \* \* \* Italia Brand Trade Mark Lucca Toscana Italia Net Contents 1 Gall.;" "Olio Puro D'Olive Garantito Messina Brand \* \* \* Extra Fine Quality Packed and Imported By Messina Imp. Co. New York, N. Y. This Can Contains One Gallon;" "Net Contents 1 Gall. Extra Fine Quality Oil For Salads \* \* \* Regina Brand Winterpressed Cottonseed Salad Oil Flavored With Pure Olive Oil. A Compound."

Analyses of samples of the Italia brand oil by the Bureau of Chemistry of this department showed that it consisted almost wholly of cottonseed oil or of a mixture of cottonseed oil and corn oil, with a small quantity of olive oil present; the cans examined contained less than 1 gallon of the article. Analysis of a sample of the cottonseed salad oil by said bureau showed that it was cottonseed oil with a small quantity of olive oil; the cans examined contained less than 1 gallon of the article. Analysis by said bureau of the product involved in the consignment of March 7 in the unlabeled cans showed that it was olive oil mixed with about 8 per cent of cottonseed oil. Analysis of a sample of the Messina brand oil by said bureau showed the presence of cottonseed oil; the cans examined contained less than 1 gallon of the article.

Adulteration of the Italia brand oil was alleged in the information for the reason that oil other than olive oil had been substituted in whole or in part for olive oil, which the article purported to be.

Adulteration of the product invoiced as olive oil and the Messina brand oil was alleged for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the Italia brand oil and of the Messina brand oil was alleged for the reason that the statements, to wit, "Prodotti Italiani," "Olio d'Olive Pure Olive Oil Sopraffino," "Italia," "Lucca," "Toscana Italia," "Net Contents 1 Gall.," together with the designs and devices of a woman draped in Italian colors, the map of Italy, and Italian shield, borne on the cans containing the Italia brand, and the statements, to wit, "Olio Puro D'Olive," "This Oil Is Absolutely Pure Extracted From Olives," "It Is Guaranteed Under Any Analysis In Strict Accordance With Laws Governing Imported

Products," "Messina Imp. Co.," and "This Can Contains One Gallon," together with the design and device of a town in Italy, borne on the cans containing the Messina brand, regarding the article and the ingredients and substances contained therein, were false and misleading, in that they represented that the said article was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of the said cans contained 1 gallon of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of the said cans contained 1 gallon of the article, whereas, in truth and in fact, it was not olive oil but was a product composed in part of cottonseed oil or of oil other than olive oil, as the case might be, it was not a foreign product but was a domestic product, to wit, an article produced in the United States of America, and each of the said cans did not contain 1 gallon of the said article but did contain a less amount. Misbranding was alleged with respect to the said Italia brand and Messina brand oil for the further reason that it was a product composed in part of oil other than olive oil or of cottonseed oil, as the case might be, prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil, and for the further reason that the statements, designs, and devices borne on the said cans purported the article to be a foreign product when not so. Misbranding was alleged with respect to the Italia brand oil for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was labeled as an article manufactured and produced in Lucca, in the province of Tuscany, in the kingdom of Italy, whereas it was manufactured and produced in the United States of America.

Misbranding was alleged with respect to the Regina brand cottonseed salad oil for the reason that the statements, to wit, "Winterpressed Cottonseed Salad Oil Flavored With Pure Olive Oil" and "Net Contents 1 Gall.," borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading, in that they represented that the article was winterpressed cottonseed salad oil flavored with pure olive oil, and that each of the said cans contained 1 gallon net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was winterpressed cottonseed salad oil flavored with pure olive oil and that each of the said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not winterpressed cottonseed salad oil flavored with pure olive oil but was a product composed of cottonseed oil, which had no flavor of olive oil, and each of said cans did not contain 1 gallon net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was a product composed of cottonseed oil, which contained no flavor of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, cottonseed salad oil flavored with pure olive oil.

Misbranding was alleged with respect to the product consigned on March 7, into the District of Columbia, and invoiced as olive oil, for the reason that it was a product composed in part of cottonseed oil, prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil.

Misbranding was alleged with respect to the products involved in the various consignments for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 12, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$170.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11747. Adulteration of butter. U. S. v. 88 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond.**  
(F. & D. No. 17624. I. S. No. 679-v. S. No. E-4431.)

On July 5, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a District court, a libel for the seizure and condemnation of 88 cases of butter at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia, and charging